

Notice of Allowability

Application No.

10/045,358

Applicant(s)

MOSZNER ET AL.

Examiner

Patricia Hightower

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed Sept 22, 2003.
2. ☒ The allowed claim(s) is/are 1-14, 16 and 17.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Reasons For Allowance

The following is an examiner's statement of reasons for allowance:

In view of the applicants' amendment/response filed September 22, 2003 the claimed dental material containing **an amide of the general formula BX_n**

B is a hydrocarbon radical of 1 to 50 carbon atoms which can contain one or more groups of O, S, NH, CO-NH and/or NH-CO-NH and which is substituted n times with the group X;

X is the group $\left[\begin{array}{c} \text{O} \\ \parallel \\ \text{---N---C---C---} \\ | \quad \quad \quad \parallel \\ \text{R}^1 \quad \quad \quad \text{CH}_2 \end{array} \right]$ is bound to the radical B via a nitrogen atom or via C-2, the bond site not connected to B carrying a radical R^2 ,

R^1 is hydrogen, an alkyl group 1 to 20 carbon atoms or a phenyl radical, two or more radicals X being able to share a radical R^1 and R^1 also being able to be a constituent of the radical B, R^2 is hydrogen, an alkyl group with 1 to 20 carbon atoms or a phenyl radical and n is a number from 2 to 5 and **at least one acidic polymerizable monomer;** the ***amide of the general formula BX_n***

B is a hydrocarbon radical of 1 to 50 carbon atoms which can contain one or more groups of O, S, NH, CO-NH and/or NH-CO-NH and which is substituted n times with the group X;

X is the group $\left[\begin{array}{c} \text{O} \\ \parallel \\ \text{---N---C---C---} \\ | \quad \quad \quad \parallel \\ \text{R}^1 \quad \quad \quad \text{CH}_2 \end{array} \right]$ is bound to the radical B via a nitrogen atom or via C-2, the bond site not connected to B carrying a radical R^2 ,

R¹ is hydrogen, an alkyl group 1 to 20 carbon atoms or a phenyl radical, two or more radicals X being able to share a radical R¹ and R¹ also being able to be a constituent of the radical B, R² is hydrogen, an alkyl group with 1 to 20 carbon atoms or a phenyl radical and n is a number from 2 to 5 comprising a dental adhesive, coating material, filling material or dental cement; wherein the dental material containing the amide polymer having an acidic polymerizable group is unexpectedly exhibit hydrolysis stability; are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fischer and Ario are cited to show the state of the art of dental resin cements and hydrophilic endodontic sealing compositions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia Hightower whose telephone number is (703) 308-2434. The examiner can normally be reached on M-F from 9:30 A.M. - 6:00 P.M.

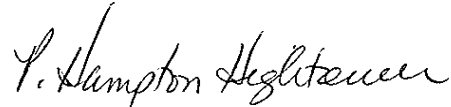
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (703) 308-2462. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Application/Control Number: 10/045,358
Art Unit: 1711

Page 4

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

P. Hightower:ph
October 31, 2003



P. Hampton-Hightower
Primary Examiner
Art Unit 1711